

AMENDED IN SENATE APRIL 24, 2014  
AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 1263**

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**Introduced by Senator Pavley**

February 21, 2014

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An act to amend Sections 47604.3 and 47604.32 of, and to add Sections 47604.45, 47605.4, and 47605.9 to, to add Section 47604.6 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Pavley. Charter schools: schools: complaints: panel hearing.

*Existing law authorizes a county superintendent of schools to monitor the operations of a charter school located within that county and to conduct an investigation into the operations of that charter school based upon written complaints of parents or other information that justifies the investigation.*

*This bill, if a charter school, its chartering authority, or a school district or county office of education in which the charter school operates within the boundaries of the school district or county office of education, determines that a substantive violation of certain provisions of the Charter Schools Act of 1992 has occurred, would authorize the charter school, its chartering authority, or the school district or county office of education in which the charter school operates, to submit a written complaint to a specified advisory committee. The bill, upon the receipt of the written complaint, would require the advisory committee to appoint a panel, as specified, and would authorize the panel to determine if a substantive violation of certain provisions of the Charter Schools Act of 1992 has occurred.*

*The bill, if the panel determines that a substantive violation has occurred, would authorize the panel to recommend to the State Board of Education a corrective action plan for the charter school or local educational agency in violation and consequences if the charter school or local educational agency in violation fails to implement the corrective action plan. The bill would require the state board to consider whether to adopt and implement the recommendations submitted by the panel.*

~~(1) Existing law requires a charter school to promptly respond to all reasonable inquiries from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction, and to consult with those entities regarding any inquiries.~~

~~This bill would add a school district in which the charter school operates a schoolsite pursuant to a specified provision as an entity to which a charter school is required to promptly respond to all reasonable inquiries and to consult with regarding any inquiries.~~

~~(2) Existing law requires each chartering authority, in addition to any other duties imposed by the Charter Schools Act of 1992, and with respect to each charter school under its authority, to, among other things, identify at least one staff member as a contact person for the charter school and visit each charter school at least annually.~~

~~This bill would authorize each school district in which a classroom-based charter school operates to, among other things, identify at least one staff member as a contact person for the charter school and visit each charter school operating within the boundaries of the school district.~~

~~(3) Existing law authorizes a county superintendent of schools to monitor the operations of a charter school located within that county and to conduct an investigation into the operations of that charter school based upon written complaints of parents or other information that justifies the investigation.~~

~~This bill would authorize the State Department of Education to monitor the operations of a charter school and conduct an investigation into the operations of that charter school based upon (A) a written complaint by a school district or county office of education in which the charter school operates within the boundaries of that school district or county office of education, (B) a written complaint of a parent, or (C) other information that justifies the investigation. The bill would authorize the department to issue a report of its findings resulting from the investigation to the State Board of Education.~~

~~(4) Existing law requires the governing board of a school district, no later than 30 days after receiving a petition to establish a charter school, to hold a public hearing on the provisions of the charter and to consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Existing law requires the governing board of the school district to grant or deny the petition within 60 days of receipt of the petition, except as specified, and after review of the petition and the public hearing.~~

~~This bill would require the proponent of a charter school to reimburse a school district for all costs incurred in analyzing a petition to establish a charter school if that school district has previously denied a petition to establish the same charter school pursuant to a specified provision.~~

~~(5) Existing law authorizes a charter school that is unable to locate within the jurisdiction of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of 2 specified circumstances exist.~~

~~This bill would require a charter school that locates outside the jurisdiction of the chartering school district pursuant to that provision and fails to properly notify the school district in which the charter school intends to operate to be responsible for a financial penalty or other penalty.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 47604.6 is added to the Education Code,  
2     to read:  
3     47604.6. (a) If a charter school, its chartering authority, or  
4     a school district or county office of education in which the charter  
5     school operates within the boundaries of that school district or  
6     county office of education, determines that a substantive violation  
7     of a provision of this chapter, Chapter 2 (commencing with Section  
8     47605), or Chapter 3 (commencing with Section 47610) has  
9     occurred, it may submit a written complaint to the advisory

1 committee established pursuant to paragraph (1) of subdivision  
2 (b) of Section 47634.2.

3 (b) Upon receipt of a written complaint pursuant to subdivision  
4 (a), the advisory committee shall appoint a panel to hear the  
5 complaint. The panel shall be composed of three representatives  
6 of the advisory committee, one representative of a school district  
7 superintendent, governing board of a school district, or county  
8 superintendent of schools, one charter school representative, and  
9 one teacher. The panel shall hear the written complaint submitted  
10 pursuant to subdivision (a) and may do either of the following:

11 (1) Determine if a substantive violation of this chapter, Chapter  
12 2 (commencing with Section 47605), or Chapter 3 (commencing  
13 with Section 47610) has occurred.

14 (2) If the panel determines a substantive violation has occurred,  
15 recommend to the state board a corrective action plan for the  
16 charter school or local educational agency in violation and  
17 consequences if the charter school or local educational agency in  
18 violation fails to implement the corrective action plan. The panel  
19 shall submit any recommendations it makes to the state board.

20 (c) The state board shall consider whether to adopt and  
21 implement the recommendations submitted by the panel.

22 SECTION 1. ~~Section 47604.3 of the Education Code is~~  
23 ~~amended to read:~~

24 ~~47604.3. A charter school shall promptly respond to all~~  
25 ~~reasonable inquiries, including, but not limited to, inquiries~~  
26 ~~regarding its financial records, from its chartering authority, a~~  
27 ~~school district in which the charter school operates a schoolsite~~  
28 ~~pursuant to paragraph (5) of subdivision (a) of Section 47605, the~~  
29 ~~county office of education that has jurisdiction over the school's~~  
30 ~~chartering authority, or from the Superintendent and shall consult~~  
31 ~~with the chartering authority, the school district in which the charter~~  
32 ~~school operates a schoolsite pursuant to paragraph (5) of~~  
33 ~~subdivision (a) of Section 47605, the county office of education,~~  
34 ~~or the Superintendent regarding any inquiries.~~

35 SEC. 2. ~~Section 47604.32 of the Education Code is amended~~  
36 ~~to read:~~

37 ~~47604.32. (a) Each chartering authority, in addition to any~~  
38 ~~other duties imposed by this part, shall do all of the following with~~  
39 ~~respect to each charter school under its authority:~~

1 ~~(1) Identify at least one staff member as a contact person for~~  
2 ~~the charter school.~~

3 ~~(2) Visit each charter school at least annually.~~

4 ~~(3) Ensure that each charter school under its authority complies~~  
5 ~~with all reports required of charter schools by law, including the~~  
6 ~~annual update required pursuant to Section 47606.5.~~

7 ~~(4) Monitor the fiscal condition of each charter school under its~~  
8 ~~authority.~~

9 ~~(5) Provide timely notification to the department if any of the~~  
10 ~~following circumstances occur or will occur with regard to a charter~~  
11 ~~school for which it is the chartering authority:~~

12 ~~(A) A renewal of the charter is granted or denied.~~

13 ~~(B) The charter is revoked.~~

14 ~~(C) The charter school will cease operation for any reason.~~

15 ~~(6) The cost of performing the duties required by this subdivision~~  
16 ~~shall be funded with supervisorial oversight fees collected pursuant~~  
17 ~~to Section 47613.~~

18 ~~(b) Each school district in which a classroom-based charter~~  
19 ~~school operates may do any of the following with respect to each~~  
20 ~~classroom-based charter school operating within its boundaries:~~

21 ~~(1) Identify at least one staff member as a contact person for~~  
22 ~~the charter school.~~

23 ~~(2) Visit each charter school operating within the boundaries~~  
24 ~~of the school district.~~

25 ~~(3) Provide written notice to the department requesting initiation~~  
26 ~~of a review of the charter school's compliance with the~~  
27 ~~requirements and duties imposed by this part.~~

28 ~~SEC. 3. Section 47604.45 is added to the Education Code, to~~  
29 ~~read:~~

30 ~~47604.45. (a) The department may, based upon a written~~  
31 ~~complaint by a school district or county office of education in~~  
32 ~~which the charter school operates within the boundaries of that~~  
33 ~~school district or county office of education, a written complaint~~  
34 ~~by a parent, or other information that justifies the investigation,~~  
35 ~~monitor the operations of a charter school and conduct an~~  
36 ~~investigation into the operations of that charter school.~~

37 ~~(b) The department may issue a report of its findings resulting~~  
38 ~~from the investigation described in subdivision (a) to the state~~  
39 ~~board, that includes, but is not limited to, findings regarding the~~

1 possible factual findings sufficient for denial of a petition pursuant  
2 to subdivision (b) of Section 47605.

3 SEC. 4. ~~Section 47605.4 is added to the Education Code, to~~  
4 ~~read:~~

5 ~~47605.4. If a petition to establish a charter school is submitted~~  
6 ~~by a proponent of a charter school to a school district that has~~  
7 ~~previously denied a petition to establish the same charter school~~  
8 ~~pursuant to subdivision (b) of Section 47605, the proponent of the~~  
9 ~~charter school shall reimburse the school district for all costs~~  
10 ~~incurred in analyzing the petition.~~

11 SEC. 5. ~~Section 47605.9 is added to the Education Code, to~~  
12 ~~read:~~

13 ~~47605.9. A charter school that locates outside the jurisdiction~~  
14 ~~of the chartering school district pursuant to paragraph (5) of~~  
15 ~~subdivision (a) of Section 47605 and fails to properly notify the~~  
16 ~~school district in which the charter school intends to operate shall~~  
17 ~~be responsible for a financial penalty or other penalty.~~